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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.875 OF 2006
IN
NOTICE OF MOTION NO. OF 2006
IN
BCCC L.C.SUIT NO.5427 OF 2006

Smt.Lilavati Krishna Shetty Appellant
versus
MMRDA and another Respondents

Mr.A.M.Saraogi for appellant.
Mrs.Geeta Joglekar for Ms.Nisha Dabhade for respondent no.2.
Mr.Kuldeep Patil for respondent no.1.

CORAM : A.S.OKA, J.
DATE : 02nd April 2007
PC :

1. Heard advocate appearing for the appellant and the advocates for the respondents. It is not in dispute that the part of the structure of the appellant which is required by the first respondent is already demolished. The impugned order has been passed on a Notice of Motion where prayer was made restraining the respondents from demolishing the structure of the appellant.

2. It is not in dispute that an accommodation has been offered to the appellant elsewhere. However, Shri Saraogi appearing for the appellant states that as of today the appellant has not

accepted the said accommodation as the appellant is seeking benefit of letter dated 27th November 2006 addressed by the Executive Engineer of the first respondent to the Assistant Commissioner of the second respondent. He submits that compliance has not been made with the assurances given to this Court in order dated 22nd December 2006 in Civil Application No.1218 of 2006.

3. Learned advocate for the first respondent states that the letter dated 27th November 2006 has not been issued by the Executive Engineer of the first respondent to the Assistant Engineer of the second respondent.

4. As of today, there is no question of any further demolition. Therefore, considering the scope of this Appeal from Order, the same has become infructuous. If the appellant has any grievance based on the alleged letter dated 27th November 2006 and order passed by this Court on 22nd December 2006, she is at liberty to take out appropriate proceedings in that behalf.

5. Subject to what is observed above, the appeal is dismissed. No orders as to costs.

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(A.S.OKA, J.)